

W5YI

National Volunteer Examiner Coordinator

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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Vol. 13, Issue #9

\$1.50

PUBLISHED TWICE A MONTH

May 1, 1991

FCC ACTS ON AMATEUR PACKET RADIO VIOLATIONS

On January 25, 1991, the FCC sent violation notices to eleven east coast amateurs. Three of them were fined \$300 each. The citations were issued due to a single packet radio BBS message allegedly posted by **Joseph L. Reed, WA3QNS** of Norristown, PA, on the **N3LA/Rolf Jespersen** bulletin board in Spring City, Pennsylvania.

The message, addressed to @USA (all U.S. amateur stations) publicized a 900 telephone number to call to register opposition to the war in Iraq. One amateur who saw the message was **NZ2D, Russell "TJ" Tjepkema** of Virginia Beach, VA. Since operators of 900 numbers share revenue with the phone company, "TJ" believed the message was a business communication outlawed under amateur radio rule §97.113(a). The message mentioned a New York City organization known as the *"Coalition to Stop U.S. Intervention in the Middle East."* It was also reported that callers to the 1-900-44-NO WAR number were assessed a \$10.00 charge. "TJ" reported the matter to the FCC in Norfolk, Virginia.

Up until this point, most amateurs were of the opinion that only the originator of a prohibited transmission is responsible for its message content. Such is not the case and J. Jerry Freeman, the Engineer-in Charge of the Norfolk FCC field office, issued the citations. He is also an Extra Class amateur, W4JJ. Amateurs nationwide

were stunned and believed the action might spell an end to automatically controlled packet radio as we know it since all message traffic would now have to be manually reviewed before relay down the line. We chatted with Jerry Freeman about the incident this past weekend.

W5YI: How did you get involved? Did "TJ" call on you in person or write you?

FCC: He wrote us a letter and indicated he was concerned about a possible violation. He said "I am writing you to formally report what I believe to be a violation of the FCC regulations regarding commercialized use of the amateur radio frequency spectrum." He described the problem and sent me a copy of the message adding "I realize the legal right to state any political ideology as long as it is done within FCC current regulations." Based on that, we looked at the message and the rules and decided that it was in violation.

W5YI: You cited eleven different amateurs ...and fined three of them. What determined whether they got a fine or a citation?

FCC: We have administrative procedures we must follow. If we have sufficient information we can issue a *Notice of Apparent Liability*, which we did in some cases. The *Notice of Violation* letters went to operators who automatically retransmitted

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the message. It simply said "...this has occurred. We want your comments."

We have options based on those comments. We can close the matter out. We can ask for additional information. We can issue a *Notice of Apparent Liability*. Or we can designate the matter for hearing. Situations can be so severe that we must judge whether the individual has the qualifications to remain a Commission licensee. Our job [in the Field Operations Bureau] is to achieve compliance. There are times when this can not be achieved and we have to utilize the criminal justice system in the courts.

We issued *Notices of Apparent Liability* [for \$300] to the alleged message originator and [to station operators] where it first entered the packet system ...and where it came out. I wanted information from the other [relaying] operators and [to] call their attention to the fact that this message had gone all over the United States. Our objective was to get the message across to amateurs that you may not automatically retransmit prohibited communications.

A lot of concerns have come up about messages such as 'How can you hold a station operating automatically in violation of the rules. They are exempt.' They really aren't. In fact, Section §97.103(a) of the Amateur rules provides that the licensee of an amateur station shall be responsible for its proper operation. A necessary corollary to this proposition is that if one is responsible for something, it must be under their control.

A licensee of this Commission upon being granted a license becomes subject to the requirements as spelled out in the Communications Act. Very specifically, Section 310(d) of Act prohibits a radio station licensee from giving his or her license or any of the rights conveyed by the license to anyone else unless an application is first made so that the Commission may pass upon the qualifications of the would be transferee.

With every right granted, there is also a consistent corollary duty. In this instance, the privilege of holding a radio license gives a licensee a right to

transmit and a duty to control these transmissions so that they comport with the Rules. Therefore, it is really not within the power of the Commission to change Section §97.103(a) since it is based on Section 310(d) of the Act. When a Rule's basis is statutory in origin, the advocate to rule change must make their desires known ...to Congress. That is almost verbatim from some problems that occurred back in the early eighties with repeater stations.

W5YI: Amateurs have developed a sophisticated packet network and the success of this network is based being able to quickly transfer traffic in time of need. Doesn't your action requiring each automatic relay point to be responsible for message content adversely impact the amateur's ability to effectively network traffic?

FCC: Amateur radio operators are very resourceful. As I said before, they may not abdicate their responsibilities and I believe they will come up with a system which will be able to prohibit dissemination of unauthorized traffic. It is like someone running a phone patch ...sometimes a participant might want to use a foreign language. If the amateur involved trusts the participants, he allows them to speak in a foreign language. If he doesn't, he requires them to speak in English. He is taking a calculated risk. The same thing applies here.

The packet operator may decide that certain individuals can be trusted. Amateurs should come up with some sort of a system to insure that they are complying with the regulations. An amateur who retransmits a business or prohibited message is violating the rules. If there is an emergency their procedures could be changed ...they could have various degrees of readiness. It is a challenge for them. I think they will do that. I hope for the sake of the Amateur Radio Services that the abusers will not proliferate to the extent where more restrictive regulations have to be promulgated.

W5YI: Violations take place almost instantaneously when retransmitted by a repeater; whether it be voice or digital.

"I am a currently licensed ☐ Advanced, ☐ Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my license expire. I do not own a sign."

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER? under "The W5YI Report" Program? If so, please send a copy of

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W5YI: Tom Clark, W3IWI is a recipient of one of your *Notices of Violation*. He asks in a widely distributed editorial entitled: "*FCC Drops Another Shoe*" "What is the limit ...the guidelines for a legal transmission on amateur radio."

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"I am a currently licensed ☐ Advanced, ☐ Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or operator license revoked or suspended. I do not own a significant interest in nor am an employee of any company or entity engaged in making, preparing or distributing amateur radio equipment or license preparation materials. My age is at least 18 years old."

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER? If so, please send a copy of your Extra Class license, the following signed statement, and a SASE to: W5YI-VEC; P.O. Box #565107; Dallas, Texas 75356-5107. A certificate (optional) is also available for \$1.00. Details and accreditation materials will be sent to you in about two weeks.

FBI ARRESTS OHIO HAM OPERATOR

Suspected of transmitting prank calls of chases and shootouts to police in three states!

James A. Haas, WT8Q, of Athens, Ohio, has been released on \$100,000 bond after his arrest in a Washington, DC suburb by FBI agents. He is charged with making contrived distress calls from his 1991 Dodge Caravan van which bears his call sign. Haas was in the Washington, D.C. area to attend the Greater Baltimore Hamboree and Computer Fest. He spent the weekend in jail.

Haas is believed to have transmitted fake police officer-in-trouble signals made more realistic by sound effects. The FBI joined the FCC's investigation two days before his arrest. Federal officials were led to Haas when a phone call related to false-emergency transmissions over police radio frequencies throughout northern Kentucky and Ohio was traced to the Haas' home.

Local ham operators are stunned with disbelief! Haas, 39, is an Athens High School teacher, an advisor to their ham radio club, an Extra Class volunteer examiner and past president of the Athens County Amateur Radio Association. He has been suspended with pay by the Athens city school system while the investigation continues.

Haas was arraigned Monday, April 8 in U.S. Magistrate Court in Alexandria, VA. A preliminary hearing is set for April 23. The charges are obstruction of justice and furnishing false statements, a felony. If convicted, Haas faces up to ten years imprisonment and a \$500,000 fine.

The FBI apparently was tipped off to the possibility of the incident since they had been trailing Haas. A bogus officer-in-distress call was received Friday, April 5 at 9:30 p.m. by the Prince William Police Dept. and traced by FCC engineers to Haas' van. The call continued for one hour. He was arrested at 10:35 p.m. transmitting with a hand-held. A cassette tape marked "siren" containing various emergency vehicle sounds was confiscated from his van. FBI agents also found lists of police and fire dept. frequencies throughout the Baltimore, Washington, D.C., and Northern Virginia area as well as other federal frequencies.

ARRL, AMSAT FILES WARC-92 COMMENTS... *On Amateur Microwave Bands at WARC-92*

The League and AMSAT have filed comments on the FCC's latest proposals for international spectrum allocation at the 1992 World Administrative Radio Conference. WARC-92 will convene February 4 to March 4 in Barcelona, Spain, and one of the hottest items on the agenda is where in the spectrum to put new direct-broadcast satellite sound services (BSS-S).

Amateurs are concerned about a White House proposal, submitted to the FCC, that would place these new satellites in the band 2360-2410 MHz. The Amateur Satellite Service makes extensive use of 2400-2410 MHz.

"The Amateur Satellite service requires a minimum of 10 MHz for use in the space-to-Earth direction to match the Earth-to-space band 1260-1270 MHz," the ARRL told the FCC. "The band 2400 - 2410 MHz is presently in use and designated for future amateur satellites with worldwide coverage. [A]ny loss to the Amateur Satellite Service at 2400-2450 MHz would have both immediate and long-term harmful effects on the Service. Several long-lived satellites are currently operating in the band, including UoSAT OSCAR-11, AMSAT OSCAR-13, AMSAT OSCAR-16 and DOVE OSCAR-17."

ARRL and AMSAT pointed out that putting digital broadcasting in the 2.4 GHz spectrum would have serious technical drawbacks, among them the need to transmit with extremely high power levels (for terrestrial stations, 1 megawatt to serve a 50 km radius) and problems of interference with industrial-scientific-medical devices operating in this range. Manufacturers of microwave ovens are pointing out that their emissions are somewhat unpredictable, and would make life difficult for satellite communication systems in this spectrum.

On the other hand, placing digital broadcasting lower in the spectrum would draw the ire of powerful opponents who use the point-to-point microwave services for industrial and public-safety purposes. Other potential uses, such as the

AMATEUR RADIO CALL SIGNS

...issued as of the first of April 1991:

Radio District	Gp.*A Extra	Gp.*B Advan.	Gp.*C Tech/Gen	Gp.*D Novice
0 (*)	AA0DZ	KF0QM	N0NFL	KB0IRM
1	WQ1U	KD1A1	N1IQY	KA1YMD
2 (*)	AA2DV	KF2AS	N2LYE	KB2MON
3	WM3K	KD3WH	N3JAU	KA3YRO
4 (*)	AC4EI	KN4YZ	(***)	KC4YRO
5 (*)	AA5XN	KI5OU	N5SMM	KB5PGE
6 (*)	AB6BS	KK6YI	(***)	KC6TCJ
7 (*)	AA7HZ	KG7OH	N7QQJ	KB7NBP
8 (*)	AA8DJ	KF8MD	N8NSH	KB8MBU
9	WZ9W	KF9CL	N9KWE	KB9GLC
N.Mariana Is.	AH0K	AH0AH	KH0AN	WH0AAP
Guam	KH2R	AH2CI	KH2FA	WH2AMU
Johnston Is.	AH3D	AH3AD	KH3AF	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6LC	NH6YS	WH6CMG
Kure Is.			KH7AA	
Amer. Samoa	AH8D	AH8AE	KH8AI	WH8ABA
Wake W.Peale	AH9A	AH9AD	KH9AE	WH9AAH
Alaska	(**)	AL7MX	NL7WT	WL7CBV
Virgin Is.	NP2M	KP2BW	NP2ED	WP2AHI
Puerto Rico	(**)	KP4RR	(***)	WP4JYG

CALL SIGN WATCH: *=All 2-by-1 "W" prefixed call signs have been assigned in the 2nd, 4th, 5th, 6th, 7th, 8th and "0" radio districts where 2-by-2 format call signs from the AA-AK block are now being assigned to Extra Class amateurs. (Other than DX, only the 1st, 3rd and 9th district have 2-by-1's left!)

**=All Group A (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico. Group "B" (2-by-2) format call signs are assigned to Extra Class when Group "A" are depleted.

***=Group "C" (1-by-3) call signs have now run out in the 4th, 6th and now Puerto Rico call districts. According to the rules (adopted by the Commission Feb. 8, 1978, Docket No. 21135), Technician/General class amateurs are next assigned Group "D" (2-by-3 format) call signs when all Group "C" have been assigned. Upgrading Novices holding a 2-by-3 format call sign in the 4th, 6th and Puerto Rico call areas will no longer be able to request a Group "C" call and will be automatically assigned another more recent 2-by-3 format call sign if they do! The FCC has said they will not be going back and reassigning unused "K" and "W" 1-by-3 format call signs.

[Source: FCC, Gettysburg, Pennsylvania]

MARCH VE PROGRAM STATISTICS

March No. VEC's	1989 *18	1990 *18	1991 *18
Testing Sessions	516	578	638
VEC	1989	1990	1991
W5YI	34.9%	40.1%	41.1%
ARRL	36.6	39.8	36.1
CAVEC	7.0	4.7	7.2
DeVRY	7.0	4.5	4.1
Others (14)	14.5	10.9	10.7
Year-to-Date Sessions	1270	1461	1488

Elements Administ.	10441	11629	15572
VEC	1989	1990	1991
ARRL	49.7%	45.7%	39.8%
W5YI	26.8	34.1	36.6
CAVEC	7.2	5.1	7.1
DeVRY	4.9	3.0	3.4
Others (14)	11.4	12.1	13.1
Year-to-Date Elements	23377	26329	29468

Applicants Tested	6197	6945	9205
VEC	1989	1990	1991
ARRL	46.7%	45.6%	39.7%
W5YI	26.0	34.2	36.2
CAVEC	6.4	4.4	6.3
DeVRY	5.1	3.6	3.9
Others (14)	15.8	12.2	13.9
Year-to-Date Tested	13821	15648	17814

March	1989	1990	1991
Pass Rate - All	61.7%	61.6%	65.6%
Applicants/Session	12.0	12.0	14.4
Elements/Applicant	1.7	1.7	1.7
Sessions Per VEC	28.7 (*)	32.1	35.4

Administrative Errors by VE's/VEC's

March	1989	1990	1991
Defect. Applications	0.6%	1.3%	5.0%
Late Filed Sessions	1.7%	0.5%	0.2%
Defective Reports	2.5%	0.9%	1.1%

(*) Note: The FCC previously considered ARRL, W5YI and DeVry to be 13 VEC's each since VEC's initially were appointed on a regional basis. Since any VEC may now coordinate examinations in any region, the FCC reduced the number of VEC Regions (62) to VEC Organizations (18.) We have adjusted 1989 figures to reflect this change. The number of test elements, applicants examined and pass rate during March 1991 is the highest ever in history of the VEC program.

[Source: Personal Radio Branch/FCC; Washington, D.C.]

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FCC: Dr. Clark brings up a good point. Essentially you have to go back to the rules which says which transmissions are authorized or prohibited. Each licensee will have to decide. Some repeaters operate more strict than others. The Commission is not going to respond to 'can we do this, can we do that.' You have to use good judgment and not cross the line. Otherwise you are going to have more restrictive regulations. You have to use some discretion.

W5YI: A petition has been filed, assigned RM-7649, which seeks to differentiate between primary and secondary offenders operating under automatic control. Any comment on that approach?

FCC: I should not comment on a request under Commission consideration, but you might want to refer yourself to the decision on Rule Making-3618. That was the one to relieve repeater operators of liability other than technical responsibility. I think it is along similar lines. The Commission denied the petition saying; number one; Section 310 of the Act prohibits a radio station from conveying its rights and two; station control includes transmission content. The *Petition for Reconsideration* of RM-3618 also was denied. We will have to see how this one works out.

In the letters we have written [to those issued Notices) we address control operator responsibility. We said, "You ...state that the onus of message screening should only be on the originating station, rather than on your station. We cannot agree. The concept of control of an amateur station and responsibility for the station's transmissions are based on Section 310(d) of the *Communications Act of 1934*, as amended, 47 U.S.C., Section 310(d). ...The provisions of Section §97.109(e), pertaining to stations using the American Radio Relay League, Inc. AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0, October 1984 or compatible), must be read in conjunction with Section §97.105(e) ...which states that the control operator must ensure the immediate proper operation of the station, regardless of whether the station is under local, remote or automatic control. The commission licenses individual amateur stations, not systems of amateur stations. Further, all amateur service rules apply to each

amateur station even when it is operating in a system, not to the system as a whole. Station licensees and station control operators, therefore, are both responsible for the messages originated as well as those retransmitted by the station." That is the law.

A couple of months ago, the Field Operations Bureau did an enforcement effort with regard to those individuals operating out of band ...the so-called 'freebanders' - those illegally operating between ten and eleven meters. Most of the content of their communications were along the line, 'Well you know, we have been up here for eight months now and obviously the FCC is going along ...condones us, because they aren't doing anything.' And they reinforced each other to the point where we actually had to go out and take some action. Substantial fines were issued.

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FCC: Dr. Clark brings up a good point. Essentially you have to go back to the rules which says which transmissions are authorized or prohibited. Each licensee will have to decide. Some repeaters operate more strict than others. The Commission is not going to respond to 'can we do this, can we do that.' You have to use good judgment and not cross the line. Otherwise you are going to have more restrictive regulations. You have to use some discretion.

W5YI: A petition has been filed, assigned RM-7649, which seeks to differentiate between primary and secondary offenders operating under automatic control. Any comment on that approach?

FCC: I should not comment on a request under Commission consideration, but you might want to refer yourself to the decision on Rule Making-3618. That was the one to relieve repeater operators of liability other than technical responsibility. I think it is along similar lines. The Commission denied the petition saying; number one; Section 310 of the Act prohibits a radio station from conveying its rights and two; station control includes transmission content. The *Petition for Reconsideration* of RM-3618 also was denied. We will have to see how this one works out.

In the letters we have written [to those issued Notices] we address control operator responsibility. We said, "You ...state that the onus of message screening should only be on the originating station, rather than on your station. We cannot agree. The concept of control of an amateur station and responsibility for the station's transmissions are based on Section 310(d) of the *Communications Act of 1934*, as amended, 47 U.S.C., Section 310(d). ...The provisions of Section §97.109(e), pertaining to stations using the American Radio Relay League, Inc. AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0, October 1984 or compatible), must be read in conjunction with Section §97.105(e) ...which states that the control operator must ensure the immediate proper operation of the station, regardless of whether the station is under local, remote or automatic control. The commission licenses individual amateur stations, not systems of amateur stations. Further, all amateur service rules apply to each

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NEW DIRECTION FOR HEATH CO. EXITS HAM RADIO BUSINESS

The Heath Company, a leader in high quality electronics for over forty years is leaving the amateur radio marketplace and will no longer market most of their famous Heathkits at all. They have had a major restructuring inside Heath/-Zenith and have drastically cut their advertising budget and laid off their entire marketing group. Their new direction will be products aimed at the home and self-study education marketplace.

The Spring-1981 edition of **"Home Automation by Heath"** has just been published along with a **"Heathkit Sale"** catalog to close out the line. Among other products, the entire amateur radio line is being offered at extremely low prices. (They will also have a booth at Dayton!) For example: **SALE!**
*2-meter HT, \$449.95 . . . \$199.95
*450 MHz HT, \$469.95 . . . \$209.95
*2M/450 Dual HT, \$469.95 \$319.95
1000W Linear, \$799.95 . . . \$699.95
* Assembled. (Linear Amp is a kit.)

Heath's roots date back to just after World War I when Edward Heath, a young aviation fancier

introduced an airplane kit known as the "Super Parasol." Thus the Heath Company was born. He was killed while test-flying one of his new aircraft five years later. The company was sold to Howard Anthony in 1935 for a mere \$300.

In 1946, as a way to use some of the surplus electronic parts flooding the postware marketplace, Heath Company developed its first do-it-yourself electronics kit, a five-inch oscilloscope for \$39.50. It was so successful that the company branched out into other fields - including amateur radio gear.

In 1955, Heath Company was sold to Daystrom, Inc. and it moved from Benton Harbor, MI to larger quarters in neighboring St. Joseph. In 1962, Daystrom and Schlumberger merged and the first Heath retail stores opened in Chicago and Denver. In 1974, Heath began offering home study electronic learning courses. Zenith purchased the Heath Company in 1979 and Zenith Data Systems was established in 1980.

In 1989, Heath was sold again to Groupe Bull, a French government-owned computer company and Heath announced plans to move back to Benton Harbor.

Technological advances combined with lower costs of assembled electronic products have reduced the kit-building market. More and more of today's consumers have less time for kit projects and more interest in finished goods.

As a result, Heath has turned its focus for the '90s to the development of two specific markets: home automation and home education. The company has identified three target audiences: early innovators, do-it-yourselfers and home study learners. A **"Home-Works"** educational product catalog is planned.

**Heathkit Amateur Radio Equipment
1946-1991: R.I.P.**

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"Ninety-nine point 9998 percent of bulletins were legal and proper. I've handled 10,000 pieces of mail in four years. I had to kill, personally, about a dozen messages in that time. It's a shame that our whole network will have to collapse because of one message."

NEW DIRECTION FOR HEATH CO. EXITS HAM RADIO BUSINESS

The Heath Company, a leader in high quality electronics for over forty years is leaving the amateur radio marketplace and will no longer market most of their famous Heathkits at all. They have had a major restructuring inside Heath/-Zenith and have drastically cut their advertising budget and laid off their entire marketing group. Their new direction will be products aimed at the home and self-study education marketplace.

The Spring-1981 edition of **"Home Automation by Heath"** has just been published along with a **"Heathkit Sale"** catalog to close out the line. Among other products, the entire amateur radio line is being offered at extremely low prices. (They will also have a booth at Dayton!) For example: **SALE!**
*2-meter HT, \$449.95 . . . \$199.95
*450 MHz HT, \$469.95 . . . \$209.95
*2M/450 Dual HT, \$469.95 \$319.95
1000W Linear, \$799.95 . . . \$699.95
* Assembled. (Linear Amp is a kit.)

Heath's roots date back to just after World War I when Edward Heath, a young aviation fancier

introduced an airplane kit known as the "Super Parasol." Thus the Heath Company was born. He was killed while test-flying one of his new aircraft five years later. The company was sold to Howard Anthony in 1935 for a mere \$300.

In 1946, as a way to use some of the surplus electronic parts flooding the postware marketplace, Heath Company developed its first do-it-yourself electronics kit, a five-inch oscilloscope for \$39.50. It was so successful that the company branched out into other fields - including amateur radio gear.

In 1955, Heath Company was sold to Daystrom, Inc. and it moved from Benton Harbor, MI to larger quarters in neighboring St. Joseph. In 1962, Daystrom and Schlumberger merged and the first Heath retail stores opened in Chicago and Denver. In 1974, Heath began offering home study electronic learning courses. Zenith purchased the Heath Company in 1979 and Zenith Data Systems was established in 1980.

In 1989, Heath was sold again to Groupe Bull, a French government-owned computer company and Heath announced plans to move back to Benton Harbor.

Technological advances combined with lower costs of assembled electronic products have reduced the kit-building market. More and more of today's consumers have less time for kit projects and more interest in finished goods.

As a result, Heath has turned its focus for the '90s to the development of two specific markets: home automation and home education. The company has identified three target audiences: early innovators, do-it-yourselfers and home study learners. A **"Home-Works"** educational product catalog is planned.

**Heathkit Amateur Radio Equipment
1946-1991: R.I.P.**

W5YI REPORT

National Volunteer Examiner Coordinator

Page #4

May 1, 1991

FCC: Dr. Clark brings up a good point. Essentially you have to go back to the rules which says which transmissions are authorized or prohibited. Each licensee will have to decide. Some repeaters operate more strict than others. The Commission is not going to respond to 'can we do this, can we do that.' You have to use good judgment and not cross the line. Otherwise you are going to have more restrictive regulations. You have to use some discretion.

W5YI: A petition has been filed, assigned RM-7649, which seeks to differentiate between primary and secondary offenders operating under automatic control. Any comment on that approach?

FCC: I should not comment on a request under Commission consideration, but you might want to refer yourself to the decision on Rule Making-3618. That was the one to relieve repeater operators of liability other than technical responsibility. I think it is along similar lines. The Commission denied the petition saying; number one; Section 310 of the Act prohibits a radio station from conveying its rights and two; station control includes transmission content. The *Petition for Reconsideration* of RM-3618 also was denied. We will have to see how this one works out.

In the letters we have written [to those issued Notices) we address control operator responsibility. We said, "You ...state that the onus of message screening should only be on the originating station, rather than on your station. We cannot agree. The concept of control of an amateur station and responsibility for the station's transmissions are based on Section 310(d) of the *Communications Act of 1934*, as amended, 47 U.S.C., Section 310(d). ...The provisions of Section §97.109(e), pertaining to stations using the American Radio Relay League, Inc. AX.25 Amateur Packet-Radio Link-Layer Protocol, Version 2.0, October 1984 or compatible), must be read in conjunction with Section §97.105(e) ...which states that the control operator must ensure the immediate proper operation of the station, regardless of whether the station is under local, remote or automatic control. The commission licenses individual amateur stations, not systems of amateur stations. Further, all amateur service rules apply to each

amateur station even when it is operating in a system, not to the system as a whole. Station licensees and station control operators, therefore, are both responsible for the messages originated as well as those retransmitted by the station." That is the law.

A couple of months ago, the Field Operations Bureau did an enforcement effort with regard to those individuals operating out of band ...the so-called 'freebanders' - those illegally operating between ten and eleven meters. Most of the content of their communications were along the line, 'Well you know, we have been up here for eight months now and obviously the FCC is going along ...condones us, because they aren't doing anything.' And they reinforced each other to the point where we actually had to go out and take some action. Substantial fines were issued.

The situation here with [retransmitted] messages has become the same. More and more business type messages have appeared on the packet radio systems and I guess everybody was reinforcing each other with 'Well, I guess we can do that, the FCC has said nothing and as long as we are using this protocol, we are not responsible. Anything goes.' That is not true. Our enforcement action will bring this to light. I am sure that the amateur radio community will come up with a system so that this won't continue.

● **ACTION BY THE FCC:** These amateurs have advised the FCC that they have taken corrective action to preclude future violations:

KA3CNT	Ronald T. Boudier, Sr., Lititz, PA
W3IWI	Thomas A. Clark, Clarksville, MD
WA3ZNW	Mark W., Woodruff, Wheaton, MD
WA4ONG	James M. DeArras, Richmond, VA
WBØTAX	Dennis D. Watters, Hampton, VA
N4HOG	James R. Touchberry, Newport News, VA

● These amateurs have been ordered by the FCC to discontinue automatic control because corrective action has not been taken:

WA3TSW	John S. Robison, Horsham, PA
N3LA	Rolf Jespersen, Spring City, PA
KJ4LQ	Edward N. Lowe, Chesapeake, VA

● Additional information is needed from:

WA3QNS	Joseph L. Reed, Norristown, PA
KA3T	Richard A. White, Jr., Mt. Airy, MD

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W5YI REPORT

National Volunteer Examiner Coordinator

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May 1, 1991

● On April 11, the *Florida House of Representatives passed House Bill-203*. The Florida statutes now prohibit counties and municipalities from enacting or enforcing restrictive ordinances governing amateur radio antennas.

Section 125.0185 requires local governments "...to conform to the limited preemption entitled *Amateur Radio Preemption, 101 FCC 2d 952 1985* as issued by the Federal Communications Commission. Any local regulations which involve placement, screening, or height of antennas based on health, safety or aesthetic considerations must be crafted to reasonably accommodate amateur communications and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose."

Bill also provides for "...amateur radio antenna construction in conformance with federal requirements."

● April 27th is the **200th anniversary of the birth of Samuel F.B. Morse**, inventor of the Morse telegraph. (It was Morse's associate, Alfred L. Vail who actually devised the code.) Morse was born April 27, 1791, in Charlestown, MA.

Ironically, April 27th is also the date that FCC's *John B. Johnston, W3BE* will be awarded **1991 Radio Amateur of the Year** at the Dayton HamVention, the nation's largest amateur radio convention.

Johnny heads up the *Personal Radio Branch* which recently adopted an amateur radio class which does not require knowledge of the Morse code. [Trivia: *The first Morse telegraph line charged one cent for each four characters.*]

● The most recent *Society of Wireless Pioneers* newsletter tells how *John McKinney, WØAP* signed up to return to sea as a maritime radio officer. Apparently he had nothing

to do. "They needed me like they needed a hole in the head, except that U.S. regulations required my presence since the ship was venturing outside the 150 mile exemption zone. In the two months I was aboard, I never handled one piece of traffic. All traffic was handled via satellite telephone, fax or telex." McKinney said the ship ACONA was only six months old, cost \$40 million, contained every conceivable electronic gadget and ran on pushbuttons.

By the way, the FCC adopted an Order on March 25th exempting small passenger vessels weighing under 100 gross tons to operate under the general exemption from the manual Morse code radiotelegraph station requirements beyond the current 100 nautical mile limit.

● The FCC has denied a petition by *Michael R. Reynolds, WØKIE* which requests amendment of the FCC regulations to permit one way retransmission of live science and space updates from NASA to amateurs and local schools as well as one way retransmission of VOA (*Voice of America*) news on VHF/-UHF frequencies.

Robert H. McNamara, FCC Chief, Special Services ruled that "One of the fundamental principles of the amateur service is that the amateur service is reserved for bona fide amateur service communications. We believe that the types of communications that you request chip away at this fundamental principle." He added that VOA programming is already available via satellite and international (shortwave) broadcast stations.

● On May 3 the *Orbcomm-X experimental satellite* is due to be launched. It was built by Orbital Sciences Corp., Fairfax, VA where *Jan King/W3GEY* is the engineer. The satellite even uses ordinary ham packet AX.25 although not on

ham frequencies. The low-earth-orbiting (LEO) satellite is about the size of a suitcase and will orbit the earth at 480 miles. It weighs only 35 pounds. The LEO concept was pioneered by AMSAT. The Virginia-based *Center for Innovative Technology* intends to use the satellite in experimental applications. Orbcomm X is a prototype of the devices Orbital Communications hopes to launch by the end of 1994. Between 20 and 24 satellites are needed to provide full-time coverage worldwide. The satellites will be launched by a B-52 airplane at low cost. Other LEO applications include use by businesses and consumers for a range of simple data communications such as personal messaging, environmental and pipeline monitoring, vehicle and animal tracking and requesting help in roadside emergencies.

● The FCC has *changed the technical standards* for transmitters operating at 72-76 MHz in the *Radio Control (R/C) Radio Service*. The new narrowband standards will better permit simultaneous adjacent channel use at the same location. Although 80 channels are currently available for radio remote control of model aircraft, cars and boats, they are not always available at the same location due to adjacent interference caused by wideband emissions. The new rules require a reduction in unwanted radiation and improved frequency stability.

The phase-out schedule of wideband R/C transmitters provides for their manufacture and importation to cease as of March 1, 1992. Those in the marketing pipeline must be liquidated prior to March 1, 1993. Wideband VHF transmitters may only be used by radio control enthusiasts until March 1, 1998. [Action by the Commission April 1, 1991, by 00 Report and Order FCC 91-103.]

W5YI REPORT

National Volunteer Examiner Coordinator

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May 1, 1991

AMATEUR RADIO CALL SIGNS

...issued as of the first of April 1991:

Radio District	Gp. "A" Extra	Gp. "B" Advan.	Gp. "C" Tech/Gen	Gp. "D" Novice
0 (*)	AA0DZ	KF0QM	N0NFL	KB0IRM
1	WQ1U	KD1A1	N1IQY	KA1YMD
2 (*)	AA2DV	KF2AS	N2LYE	KB2MON
3	WM3K	KD3WH	N3JAU	KA3YRO
4 (*)	AC4EI	KN4YZ	(***)	KC4YRO
5 (*)	AA5XN	KI5OU	N5SMM	KB5PGE
6 (*)	AB6BS	KK6YI	(***)	KC6TCJ
7 (*)	AA7HZ	KG7OH	N7QQJ	KB7NBP
8 (*)	AA8DJ	KF8MD	N8NSH	KB8MBU
9	WZ9W	KF9CL	N9KWE	KB9GLC
N. Mariana Is.	AH0K	AH0AH	KH0AN	WH0AAP
Guam	KH2R	AH2CI	KH2FA	WH2AMU
Johnston Is.	AH3D	AH3AD	KH3AF	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6LC	NH6YS	WH6CMG
Kure Is.			KH7AA	
Amer. Samoa	AH8D	AH8AE	KH8AI	WH8ABA
Wake W. Peale	AH9A	AH9AD	KH9AE	WH9AAH
Alaska	(**)	AL7MX	NL7WT	WL7CBV
Virgin Is.	NP2M	KP2BW	NP2ED	WP2AHI
Puerto Rico	(**)	KP4RR	(***)	WP4JYG

CALL SIGN WATCH: * = All 2-by-1 "W" prefixed call signs have been assigned in the 2nd, 4th, 5th, 6th, 7th, 8th and "0" radio districts where 2-by-2 format call signs from the AA-AK block are now being assigned to Extra Class amateurs. (Other than DX, only the 1st, 3rd and 9th district have 2-by-1's left!)

** = All Group A (2-by-1) format call signs have been assigned in Hawaii, Alaska and Puerto Rico. Group "B" (2-by-2) format call signs are assigned to Extra Class when Group "A" are depleted.

*** = Group "C" (1-by-3) call signs have now run out in the 4th, 6th and now Puerto Rico call districts. According to the rules (adopted by the Commission Feb. 8, 1978, Docket No. 21135), Technician/General class amateurs are next assigned Group "D" (2-by-3 format) call signs when all Group "C" have been assigned. Upgrading Novices holding a 2-by-3 format call sign in the 4th, 6th and Puerto Rico call areas will no longer be able to request a Group "C" call and will be automatically assigned another more recent 2-by-3 format call sign if they do! The FCC has said they will not be going back and reassigning unused "K" and "W" 1-by-3 format call signs.

[Source: FCC, Gettysburg, Pennsylvania]

MARCH VE PROGRAM STATISTICS

March No. VEC's	1989 *18	1990 *18	1991 *18
Testing Sessions	516	578	638
VEC	1989	1990	1991
W5YI	34.9%	40.1%	41.1%
ARRL	36.6	39.8	36.1
CAVEC	7.0	4.7	7.2
DeVRY	7.0	4.5	4.1
Others (14)	14.5	10.9	10.7
Year-to-Date Sessions	1270	1461	1488

Elements Administ.	10441	11629	15572
VEC	1989	1990	1991
ARRL	49.7%	45.7%	39.8%
W5YI	26.8	34.1	36.6
CAVEC	7.2	5.1	7.1
DeVRY	4.9	3.0	3.4
Others (14)	11.4	12.1	13.1
Year-to-Date Elements	23377	26329	29468

Applicants Tested	6197	6945	9205
VEC	1989	1990	1991
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W5YI	26.0	34.2	36.2
CAVEC	6.4	4.4	6.3
DeVRY	5.1	3.6	3.9
Others (14)	15.8	12.2	13.9
Year-to-Date Tested	13821	15648	17814

March	1989	1990	1991
Pass Rate - All	61.7%	61.6%	65.6%
Applicants/Session	12.0	12.0	14.4
Elements/Applicant	1.7	1.7	1.7
Sessions Per VEC	28.7 (*)	32.1	35.4

Administrative Errors by VE's/VEC's

March	1989	1990	1991
Defect. Applications	0.6%	1.3%	5.0%
Late Filed Sessions	1.7%	0.5%	0.2%
Defective Reports	2.5%	0.9%	1.1%

(*) Note: The FCC previously considered ARRL, W5YI and DeVry to be 13 VEC's each since VEC's initially were appointed on a regional basis. Since any VEC may now coordinate examinations in any region, the FCC reduced the number of VEC Regions (62) to VEC Organizations (18.) We have adjusted 1989 figures to reflect this change. The number of test elements, applicants examined and pass rate during March 1991 is the highest ever in history of the VEC program.

[Source: Personal Radio Branch/FCC; Washington, D.C.]

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HAM LICENSE PREPARATION SOFTWARE - Take sample ham radio tests at your IBM compatible keyboard! Study all 1,931 questions ap-... Element 2 and 3/A test questions multiple choice correct answer

W5YI REPORT

National Volunteer Examiner Coordinator

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May 1, 1991

FBI ARRESTS OHIO HAM OPERATOR

Suspected of transmitting prank calls of chases and shootouts to police in three states!

James A. Haas, WT8Q, of Athens, Ohio, has been released on \$100,000 bond after his arrest in a Washington, DC suburb by FBI agents. He is charged with making contrived distress calls from his 1991 Dodge Caravan van which bears his call sign. Haas was in the Washington, D.C. area to attend the Greater Baltimore Hamboree and Computer Fest. He spent the weekend in jail.

Haas is believed to have transmitted fake police officer-in-trouble signals made more realistic by sound effects. The FBI joined the FCC's investigation two days before his arrest. Federal officials were led to Haas when a phone call related to false-emergency transmissions over police radio frequencies throughout northern Kentucky and Ohio was traced to the Haas' home.

Local ham operators are stunned with disbelief! Haas, 39, is an Athens High School teacher, an advisor to their ham radio club, an Extra Class volunteer examiner and past president of the Athens County Amateur Radio Association. He has been suspended with pay by the Athens city school system while the investigation continues.

Haas was arraigned Monday, April 8 in U.S. Magistrate Court in Alexandria, VA. A preliminary hearing is set for April 23. The charges are obstruction of justice and furnishing false statements, a felony. If convicted, Haas faces up to ten years imprisonment and a \$500,000 fine.

The FBI apparently was tipped off to the possibility of the incident since they had been trailing Haas. A bogus officer-in-distress call was received Friday, April 5 at 9:30 p.m. by the Prince William Police Dept. and traced by FCC engineers to Haas' van. The call continued for one hour. He was arrested at 10:35 p.m. transmitting with a hand-held. A cassette tape marked "siren" containing various emergency vehicle sounds was confiscated from his van. FBI agents also found lists of police and fire dept. frequencies throughout the Baltimore, Washington, D.C., and Northern Virginia area as well as other federal frequencies.

ARRL, AMSAT FILES WARC-92 COMMENTS...

On Amateur Microwave Bands at WARC-92

The League and AMSAT have filed comments on the FCC's latest proposals for international spectrum allocation at the 1992 World Administrative Radio Conference. WARC-92 will convene February 4 to March 4 in Barcelona, Spain, and one of the hottest items on the agenda is where in the spectrum to put new direct-broadcast satellite sound services (BSS-S).

Amateurs are concerned about a White House proposal, submitted to the FCC, that would place these new satellites in the band 2360-2410 MHz. The Amateur Satellite Service makes extensive use of 2400-2410 MHz.

"The Amateur Satellite service requires a minimum of 10 MHz for use in the space-to-Earth direction to match the Earth-to-space band 1260-1270 MHz," the ARRL told the FCC. "The band 2400 - 2410 MHz is presently in use and designated for future amateur satellites with worldwide coverage. [A]ny loss to the Amateur Satellite Service at 2400-2450 MHz would have both immediate and long-term harmful effects on the Service. Several long-lived satellites are currently operating in the band, including UoSAT OSCAR-11, AMSAT OSCAR-13, AMSAT OSCAR-16 and DOVE OSCAR-17."

ARRL and AMSAT pointed out that putting digital broadcasting in the 2.4 GHz spectrum would have serious technical drawbacks, among them the need to transmit with extremely high power levels (for terrestrial stations, 1 megawatt to serve a 50 km radius) and problems of interference with industrial-scientific-medical devices operating in this range. Manufacturers of microwave ovens are pointing out that their emissions are somewhat unpredictable, and would make life difficult for satellite communication systems in this spectrum.

On the other hand, placing digital broadcasting lower in the spectrum would draw the ire of powerful opponents who use the point-to-point microwave services for industrial and public-safety purposes. Other potential uses, such as the

gaged in making, preparing or distributing amateur radio equipment or license preparation materials. My age is at least 18 years old."

tificate (optional) is also available for \$1.00. Details and accreditation materials will be sent to you in about two weeks.

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...Issued as of the first of April 1991:

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0 (*)	AA0DZ	KF0QM	N0NFL	KB0IRM
1	WQ1U	KD1A1	N1IQY	KA1YMD
2 (*)	AA2DV	KF2AS	N2LYE	KB2MON
3	WM3K	KD3WH	N3JAU	KA3YRO
4 (*)	AC4EI	KN4YZ	(***)	KC4YRO
5 (*)	AA5XN	KI5OU	N5SMM	KB5PGE
6 (*)	AB6BS	KK6YI	(***)	KC6TCJ
7 (*)	AA7HZ	KG7OH	N7QQJ	KB7NBP
8 (*)	AA8DJ	KF8MD	N8NSH	KB8MBU
9	WZ9W	KF9CL	N9KWE	KB9GLC
N.Mariana Is.	AH0K	AH0AH	KH0AN	WH0AAP
Guam	KH2R	AH2CI	KH2FA	WH2AMU
Johnston Is.	AH3D	AH3AD	KH3AF	WH3AAG
Midway Is.		AH4AA	KH4AG	WH4AAH
Hawaii	(**)	AH6LC	NH6YS	WH6CMG
Kure Is.			KH7AA	
Amer. Samoa	AH8D	AH8AE	KH8AI	WH8ABA
Wake W.Peale	AH9A	AH9AD	KH9AE	WH9AAH
Alaska	(**)	AL7MX	NL7WT	WL7CBV
Virgin Is.	NP2M	KP2BW	NP2ED	WP2AHI
Puerto Rico	(**)	KP4RR	(***)	WP4JYG

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FCC: That is correct. The Commission addressed this matter in a *Petition for Reconsideration* (RM-3618, adopted April 16th, 1982, and released on April 23rd) which looked toward holding a repeater operator blameless [for a retransmission.] It says "There ...is no intention on the part of the Commission to relinquish the control a repeater licensee must have over his or her station... Control is not severable into technical control, content control of messages the repeater licensee originates, and content control of messages originated by repeater users. On the contrary, the concept of control insofar as it relates to radio licensee responsibility is indivisible."

Essentially, nothing has really changed. What has now happened, I am pleased to say, is the action that we took in this enforcement [incident] has certainly improved compliance. More people are aware of what has happened and are now making sure that their messages are conforming. I think we are accomplishing our objective. That is, not to have stations operate improperly. Automatic control of an amateur station is less reliable than that of local or remote control [and is allowed] ...on the condition that improper transmissions do not emanate from the stations.

Section §97.105(a) requires proper operation regardless of whether the station is under local, remote or automatic control. The Commission licenses individual amateur stations, not systems or networks of amateur stations. ...all amateur service rules apply to each amateur station even when it is operating in a system, not to the system as a whole. I think that the amateurs will come up with a system so that they can operate properly.

Incidentally, I did not take this action unilaterally [alone] as some other publications have indicated. Rest assured that I consulted with many others. This is the Federal Communications Commission. We communicate ...certainly I touched base with other departments. We got a report of violation and it was my duty to act on it - notwithstanding the content of the message.

Some people said "What would happen if there was a 1-900 number supporting the war?" Even the 900 number did not have to be in there for

that message to be violative. It was still a business message. I will agree that the 900 phone number made it a little easier to distinguish [it as a prohibited communication.]. That organization, I believe, was receiving proceeds from anybody that called them.

Even though we wrote the stations involved, no forfeitures [fines] are being issued. That was the second step. Our goals and those of the public interest were obtained in this first enforcement action in that we are getting compliance. Those stations which refused to take any corrective action have had their authority to operate automatically withdrawn. We will reconsider this action when we receive assurances that these individuals have taken steps to preclude prohibited transmissions while under automatic control. I am not assessing the [Notice of Apparent Liability for] forfeitures that were initially proposed.

W5YI: I have a packet system and I am afraid to leave it on over night. How can I guard against illegal transmissions?

FCC: It may be that you would authorize certain individuals who you trust to put stuff on your station. Some amateurs, according to the responses I have gotten, are allowing personal messages to go through - but are reviewing the bulletins. You may allow certain stations to use your facility and put a 'hold' on others. We have accepted that. It is a judgement that you, as a licensee, have to make.

The individual that supposedly submitted the message, now denies it. Obviously, a message could be circulated worldwide that did not even originate in the amateur service. I think there will be a lot of discussion and a good system will develop in the end. We are especially interested in keeping violative actions from reoccurring. You may have to shut a person out, or in the case of a repeater, shutting down the repeater temporarily.

W5YI: Tom Clark, W3IWI is a recipient of one of your Notices of Violation. He asks in a widely distributed editorial entitled: "FCC Drops Another Shoe" "What is the limit ...the guidelines for a legal transmission on amateur radio."

the message. It simply said "...this has occurred. We want your comments."

We have options based on those comments. We can close the matter out. We can ask for additional information. We can issue a *Notice of Apparent Liability*. Or we can designate the matter for hearing. Situations can be so severe that we must judge whether the individual has the qualifications to remain a Commission licensee. Our job [in the Field Operations Bureau] is to achieve compliance. There are times when this can not be achieved and we have to utilize the criminal justice system in the courts.

We issued *Notices of Apparent Liability* [for \$300] to the alleged message originator and [to station operators] where it first entered the packet system ...and where it came out. I wanted information from the other [relaying] operators and [to] call their attention to the fact that this message had gone all over the United States. Our objective was to get the message across to amateurs that you may not automatically retransmit prohibited communications.

A lot of concerns have come up about messages such as 'How can you hold a station operating automatically in violation of the rules. They are exempt.' They really aren't. In fact, Section §97.103(a) of the Amateur rules provides that the licensee of an amateur station shall be responsible for its proper operation. A necessary corollary to this proposition is that if one is responsible for something, it must be under their control.

A licensee of this Commission upon being granted a license becomes subject to the requirements as spelled out in the Communications Act. Very specifically, Section 310(d) of Act prohibits a radio station licensee from giving his or her license or any of the rights conveyed by the license to anyone else unless an application is first made so that the Commission may pass upon the qualifications of the would be transferee.

With every right granted, there is also a consistent corollary duty. In this instance, the privilege of holding a radio license gives a licensee a right to

transmit and a duty to control these transmissions so that they comport with the Rules. Therefore, it is really not within the power of the Commission to change Section §97.103(a) since it is based on Section 310(d) of the Act. When a Rule's basis is statutory in origin, the advocate to rule change must make their desires known ...to Congress. That is almost verbatim from some problems that occurred back in the early eighties with repeater stations.

W5YI: Amateurs have developed a sophisticated packet network and the success of this network is based being able to quickly transfer traffic in time of need. Doesn't your action requiring each automatic relay point to be responsible for message content adversely impact the amateur's ability to effectively network traffic?

FCC: Amateur radio operators are very resourceful. As I said before, they may not abdicate their responsibilities and I believe they will come up with a system which will be able to prohibit dissemination of unauthorized traffic. It is like someone running a phone patch ...sometimes a participant might want to use a foreign language. If the amateur involved trusts the participants, he allows them to speak in a foreign language. If he doesn't, he requires them to speak in English. He is taking a calculated risk. The same thing applies here.

The packet operator may decide that certain individuals can be trusted. Amateurs should come up with some sort of a system to insure that they are complying with the regulations. An amateur who retransmits a business or prohibited message is violating the rules. If there is an emergency their procedures could be changed ...they could have various degrees of readiness. It is a challenge for them. I think they will do that. I hope for the sake of the Amateur Radio Services that the abusers will not proliferate to the extent where more restrictive regulations have to be promulgated.

W5YI: Violations take place almost instantaneously when retransmitted by a repeater, whether it be voice or digital.

"I am a currently licensed ☐ Advanced, ☐ Extra Class amateur radio operator and wish to be a volunteer examiner. I have never had my station or operator license revoked or suspended. I do not own a significant interest in nor am an employee of any company or entity engaged in making, preparing or distributing amateur radio equipment or license preparation materials. My age is at least 18 years old."

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER? Under "The W5YI Report" Program? If so, please send a copy of your Extra Class license, the following signed statement, and a SASE to: W5YI-VEC; P.O. Box #565101; Dallas, Texas 75356-5101. A certificate (optional) is also available for \$1.00. Details and accreditation materials will be sent to you in about two weeks.

FBI ARRESTS OHIO HAM OPERATOR

Suspected of transmitting prank calls of chases and shootouts to police in three states!

James A. Haas, WT8Q, of Athens, Ohio, has been released on \$100,000 bond after his arrest in a Washington, DC suburb by FBI agents. He is charged with making contrived distress calls from his 1991 Dodge Caravan van which bears his call sign. Haas was in the Washington, D.C. area to attend the Greater Baltimore Hamboree and Computer Fest. He spent the weekend in jail.

Haas is believed to have transmitted fake police officer-in-trouble signals made more realistic by sound effects. The FBI joined the FCC's investigation two days before his arrest. Federal officials were led to Haas when a phone call related to false-emergency transmissions over police radio frequencies throughout northern Kentucky and Ohio was traced to the Haas' home.

Local ham operators are stunned with disbelief! Haas, 39, is an Athens High School teacher, an advisor to their ham radio club, an Extra Class volunteer examiner and past president of the Athens County Amateur Radio Association. He has been suspended with pay by the Athens city school system while the investigation continues.

Haas was arraigned Monday, April 8 in U.S. Magistrate Court in Alexandria, VA. A preliminary hearing is set for April 23. The charges are obstruction of justice and furnishing false statements, a felony. If convicted, Haas faces up to ten years imprisonment and a \$500,000 fine.

The FBI apparently was tipped off to the possibility of the incident since they had been trailing Haas. A bogus officer-in-distress call was received Friday, April 5 at 9:30 p.m. by the Prince William Police Dept. and traced by FCC engineers to Haas' van. The call continued for one hour. He was arrested at 10:35 p.m. transmitting with a hand-held. A cassette tape marked "siren" containing various emergency vehicle sounds was confiscated from his van. FBI agents also found lists of police and fire dept. frequencies throughout the Baltimore, Washington, D.C., and Northern Virginia area as well as other federal frequencies.

ARRL, AMSAT FILES WARC-92 COMMENTS... On Amateur Microwave Bands at WARC-92

The League and AMSAT have filed comments on the FCC's latest proposals for international spectrum allocation at the 1992 World Administrative Radio Conference. WARC-92 will convene February 4 to March 4 in Barcelona, Spain, and one of the hottest items on the agenda is where in the spectrum to put new direct-broadcast satellite sound services (BSS-S).

Amateurs are concerned about a White House proposal, submitted to the FCC, that would place these new satellites in the band 2360-2410 MHz. The Amateur Satellite Service makes extensive use of 2400-2410 MHz.

"The Amateur Satellite service requires a minimum of 10 MHz for use in the space-to-Earth direction to match the Earth-to-space band 1260-1270 MHz," the ARRL told the FCC. "The band 2400 - 2410 MHz is presently in use and designated for future amateur satellites with worldwide coverage. [A]ny loss to the Amateur Satellite Service at 2400-2450 MHz would have both immediate and long-term harmful effects on the Service. Several long-lived satellites are currently operating in the band, including UoSAT OSCAR-11, AMSAT OSCAR-13, AMSAT OSCAR-16 and DOVE OSCAR-17."

ARRL and AMSAT pointed out that putting digital broadcasting in the 2.4 GHz spectrum would have serious technical drawbacks, among them the need to transmit with extremely high power levels (for terrestrial stations, 1 megawatt to serve a 50 km radius) and problems of interference with industrial-scientific-medical devices operating in this range. Manufacturers of microwave ovens are pointing out that their emissions are somewhat unpredictable, and would make life difficult for satellite communication systems in this spectrum.

On the other hand, placing digital broadcasting lower in the spectrum would draw the ire of powerful opponents who use the point-to-point microwave services for industrial and public-safety purposes. Other potential uses, such as the

Future Public Land Mobile Telecommunications System (an internationally-compatible super pocket-phone) are also gunning for lower micro-wave spectrum around 1.8 GHz.

ARRL suggested that BSS-S might be placed in 2340-2390 MHz, which would preserve satellite access in 2400-2410. Such a plan would require reduction in spectrum used by flight test telemetry. "It appears...that BSS-S and flight test telemetry are in direct contention for either a 1.5 GHz or a 2.3 GHz band," ARRL said. "The League hopes that this spectrum dispute can be settled in a way that does not adversely impact on the Amateur Services either in the short or long term."

The FCC has proposed other changes to the spectrum, including allocating 2410-2450 MHz to Mobile Satellite Services (MSS), which will use vehicle-mounted and even hand-held satellite radios. Amateurs could share this spectrum as long as this was an uplink, and not a downlink, MSS allocation according to ARRL and AMSAT.

"In this case, the potential for interference is to the amateur earth stations from MSS earth stations, in a local scenario," AMSAT said. "The potential for interference is reduced since future amateur satellites are likely to transmit with low power, resulting in the need to use high-gain receiving antennas at the amateur earth stations. Such antennas, used at high elevation angles, would naturally discriminate against the low-power emissions of MSS user terminals."

[Editor's note: These proposed changes could become recommendations to the U.S. State Dept. for the U.S. position at WARC-92. ARRL participates in the *Industry Advisory Committee* which helps the FCC develop the recommendations. These discussions are not the same as domestic frequency allocation proceedings, which the FCC conducts in *Notices of Proposed Rulemaking*. There is no immediate danger of changes to the domestic amateur satellite allocations.]

220-222 MHz AMATEUR OPERATIONS TO END

The FCC Order on the new Land Mobile Rules that apply to 220-222 MHz was released by the

FCC on April 17, 1991. Here are the paragraphs that apply to the Amateur Service.

"The Allocation Order allowed amateur stations to continue using the 220-222 MHz band while the service rules were being developed for the land mobile service. It encouraged amateur operators, however, to begin an orderly transition of ongoing operations from the 220-222 MHz band to other amateur service frequency bands to avoid an abrupt termination when the land mobile service rules were completed.

We continued to encourage such transitions in the Notice in this proceeding and indicated therein that amateur stations would be required to terminate operations in the 220-222 MHz band at the conclusion of this proceeding.

By this *Report and Order* we are adopting the rules for the land mobile service in the 220-222 MHz band. We have therefore reached the juncture contemplated in the Allocation Order and the Notice at which we indicated we would terminate operations in the amateur service in this band. Accordingly, we are removing the 220-222 MHz band from the Part 97 Amateur Radio Service rules.

In order to ease the final transition of amateur stations from this band to other bands, we will, by waiver in the Ordering Clauses below, permit amateur stations to continue to operate in this band for a period of ninety days from the effective date of the Part 97 rule changes adopted by this Report and Order. Thereafter, amateur stations may no longer operate in the 220-222 MHz band.

This means that amateur stations may no longer transmit in the 220-222 MHz band after 120 days from publication of a summary of this Report and Order in the Federal Register. We will issue a Public Notice to facilitate dissemination of this requirement to the amateur radio community."

(Quote from PR 89-552, *Report & Order* released 4/17/91. Publication in *Federal Register* anticipated about May 1st. There was no Public Notice of that kind released as of Friday, April 19. We will try to have it for you in the next issue.)